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UNITED STATES DEPARTMENT OF AGRICULTURE  
FARM SECURITY ADMINISTRATION  
Land Utilization Division  
Land Use Planning Section

FEB 1

BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

Bulletin 31

December 2, 1937 to January 13, 1938

(Primarily for the use of the Land Use Planning Personnel of the Farm Security Administration and collaborating offices and agencies.)

The Seventy-Fifth Congress met in regular session January 3, 1938.

Legislatures - Regular Sessions:

	Convened
Kentucky	January 4
Massachusetts	January 5
Mississippi	January 4
New Jersey	January 11
New York	January 5
Rhode Island	January 4
South Carolina	January 11
Virginia	January 12

Legislatures - Special Sessions:

Georgia	November 22
Ohio	November 29

I. FEDERAL LEGISLATION

AGRICULTURAL ADJUSTMENT

H.R. 8472. (Special Session) Mr. Poage. To Committee on Agriculture. November 22.

To provide parity of prices paid to farmers for cotton for domestic consumption. The Secretary of Agriculture upon application by any farm operator, shall establish through State committees assisted by local committees of farmers, a cotton production base for each farm suitable for producing cotton based upon the capacity of the farm. He shall take into consideration the land available, crop rotation, and sound farming practices. The Secretary shall then establish a national cotton production base for the calendar year 1938. The cotton production bases established for farms in a county



area shall be made available for public inspection in such county and each individual farmer shall be given written notice of the cotton base established for him. Any farmer dissatisfied with the established cotton base may appeal to the Secretary for an equitable adjustment. The Secretary shall ascertain the total amount of cotton needed for the succeeding marketing year which shall be known as the "national domestic allotment of cotton", and shall announce the percentage which the national domestic allotment bears to the national production base. The domestic allotment for each farm shall be such announced percentage of the cotton production base provided that the allotment for any farm may not exceed ten bales for each individual family unit continually engaged as share cropper, as owner, or cash tenant; but nothing shall prevent a land owner from receiving his contractual share of the cotton allotted for domestic consumption to any number of separate family unit operators. Tags are to be issued for the identification of cotton for domestic allotment and the Commodity Credit Corporation is authorized to make loans on all cotton accompanied by such tags.

S. 3030. (Special Session) Mr. Ellender. To Committee on Agriculture. November 18.

To establish a parity income for the production and marketing of rice. The Secretary of Agriculture is to announce a domestic allotment of rice, such allotment to be apportioned among the rice producing states. Beginning with the 1937 crop and each calendar year thereafter, the Secretary shall make payments to rice producers based upon the amount of rice allotted to them of the domestic allotment of rice so announced by the Secretary. Payments are to be made to those persons complying with the acreage allotment established by or pursuant to the Agricultural Conservation Program for such year. Any person who knowingly acquires from a producer rice marketed by such producer in excess of his marketing quota shall be subject to penalty.

#### BANKING AND CREDIT

H.P. 8795. Mr. Jones. To Committee on Agriculture January 3.

To amend the law (Public No. 3, approved January 29, 1937) providing for loans to farmers for crop production and harvesting during 1937, to provide that the lien given to secure the loan shall apply only to the tenant's or share cropper's share of the crop or livestock, if his landlord be entitled to a share of the crop or livestock, but that the lien on the tenant's or share cropper's share shall be prior to any other lien thereon.

#### CONSTITUTIONAL AMENDMENT

H.J.RES. 518. (Special Session) Mr. Hobbs. To Committee on Judiciary. November 23.

Proposing an amendment to the constitution to grant Congress



the power to regulate the production of any and all farm products and to buy and sell such products as are capable of being stored for an indefinite period of time without material deterioration. For the purpose of buying such farm products, the necessary currency shall be issued, such currency to be based upon and backed by the deposit with the Government of the products so purchased.

#### FEDERAL AID - ROADS

H.R. 8712. (Special Session) Mr. Bacon. To Committee on Roads. December 15.

To amend the Federal Highway Act to reduce the amount of federal aid for the fiscal year 1939 to \$125,000,000, from approximately \$150,000,000.

#### PUBLIC LANDS

S. 3053. Mr. McCarran) Committee on Public Lands and Surveys.

S. 3059. Mr. McAdoo ) November 16.

To authorize the Secretary of the Interior to sell to heads of families or citizens of 21 years of age or older, 5 acre tracts of vacant unreserved surveyed public lands at a price to be determined by the Secretary but not less than the cost of making any survey to properly describe the land.

## II. STATE LEGISLATION

(Includes only outstanding proposals likely to be of interest to the legislatures other than the one in which the bill is introduced).

#### GOVERNMENT ORGANIZATION

Georgia. (Special Session) H.P. 27X. Mr. Parker. To Ways and Means Committee. November 23.

To create a Department of Taxation under the direction of a State Tax Commissioner for the purpose of reorganizing the tax administration of the state. A State Board of Tax Appeals is also created for the purpose of reviewing assessments and equalizing orders of the Commissioner.

#### LAND USE

Georgia. (Special Session) H.B. 219V. Mr. Evans. To State of Republic Committee. December 8.

To repeal the Soil Conservation Districts Law which was approved March 26, 1937.

Georgia. (Special Session) H.P. 242X. Mr. Cross. To Committee on Public Highways No. 1. December 9.

To authorize the State Highway Board to use funds available to them for the purpose of matching Federal funds made available for building, improving, and constructing rural post roads, farm-





to-market roads, or secondary roads.

Georgia. (Special Session) H.B. 260X. Mr. Grubbs. To Special Appropriations Committee. December 10.

To appropriate \$100,000 for the next biennium for use in the prevention, control, and eradication of dangerous insects and plant diseases and for research relative to such insects and diseases.

Georgia. (Special Session) S.R. 10X. Mr. Robinson. Introduced November 26.

To amend the law (Code sections 36-1104, 36-1115, 95-1715) relating to state aid and federal aid roads, to provide for the increase in the width which the State Highway Board and Federal Government may secure by condemnation for the construction of such roads. Permission is granted to the counties to condemn roads and for the state and Federal Governments to condemn land for detours, drainage, rights-of-way, etc.

Massachusetts. H.B. 75. Department of Public Works. To Highways Committee. January 5.

To authorize the Department of Highways, if it determines that public safety and convenience requires that easements of access from and to state highways be acquired from abutting property owners, to acquire such easements by purchase, gift, or eminent domain.

#### PLANNING AND ZONING

Georgia. (Special Session) H.B. 6X. Mr. Mellner of Monroe. To Municipal Government Committee. November 22.

To authorize cities and counties with a population of 1,000 or over, to adopt zoning and planning ordinances.

Georgia. (Special Session) H.B. 37X. Mr. Cogdell, Approved December 6. Governor's No. 5.

To empower the Commissioners of Roads and Revenues of Glynn County to adopt and enforce zoning ordinances in the unincorporated portions of the county. The county may regulate for "recreation, public activities or other purposes, the use and conditions of use or occupancy of land for.....agriculture, grazing, water supply conservation, soil conservation, forestry or other purposes." The method of procedure is set forth in some detail; and provisions are made for the various items considered necessary or desirable for zoning, such as a board of adjustment, stipulations relating to the control of non-conforming uses (including the devising of reasonable methods for their liquidation), and cooperation with state and federal agencies and with other counties. A planning commission is designated both to act as zoning commission and to carry out



the usual planning functions. One section (#11) provides for control over subdivision plans.

Georgia. (Special Session) H.B. 187X. (Cobb County Delegation.) Approved December 29. Governor's No. 108.

To authorize the commissioner of Roads and Revenues of Cobb County to pass and enforce zoning and planning ordinances. The unincorporated territory of the county shall be zoned or districted for various uses, and other uses are prohibited therein. A procedure is established for making surveys and for the publication of maps prior to the taking effect of ordinances.

Georgia. (Special Session) H.B. 289X. Mr. Harris. To Committee on Municipal Government. December 14.

To authorize counties having a population between 70,000 and 75,000 inhabitants to pass zoning and planning ordinances. The county may be zoned or districted for various uses and the uses regulated provided no zone or district may be created without the consent of 51% of the owners of property within the zone.

#### PUBLIC FINANCE

Georgia. (Special Session) H.B. 229X. Mr. Whipple. To Committee on Education No. 1. December 8.

To amend section 10 of the Malt Beverage Act (Laws 1935, page 73) which provides for the distribution of the revenue derived from the sale of malt beverages for the purpose of supplying free textbooks to children attending the common schools. When such revenue exceeds the amounts necessary to purchase such text books the excess may be used by the State Board of Education for other school purposes.

Georgia. (Special Session) H.B. 243X. Mr. Watkins. To Committee on Amendments to the Constitution No. 1. December 9.

To amend paragraph 1, section 8, article 7, of the Constitution of Georgia, by providing for the assumption and payment by the state of all indebtedness incurred for the construction or paving of public state aid roads in cities and counties of less than 2500 population. The General Assembly is authorized to enact laws to give effect to these provisions and provide for the method of payment of such indebtedness.

#### PUBLIC LANDS AND FORESTS

Massachusetts. S.B. 6. Mr. Casey. To Committee on Conservation. January 5.

To license persons engaged in the business of improving, protecting and preserving shade, forest, or ornamental



trees. A board consisting of the Chief Forester, Director of the Division of Plant Pest Control and the Plant Pathologist, shall issue certificates, upon application by qualified persons. The board is empowered to prescribe rules and regulations governing examinations and certificates issued pursuant to the act. It may also revoke the license upon proof that improper methods have been used or for other sufficient causes.

Massachusetts. S.B. 92. Mr. Giroux. To Metropolitan Affairs Committee. January 5.

To authorize the Metropolitan District Commission to acquire by eminent domain, lands for park purposes on the west side of the Mystic River.

#### REAL PROPERTY

Georgia. (Special Session) H.B. 244X. Mr. Houston. December 9.

To amend section 67-1103 of the Code of 1933 relating to the priority of crop mortgages, by providing for a lien on crops grown in years subsequent to the year in which the mortgage is made. To establish such a lien on subsequent crops grown by the mortgagor in all years subsequent to the year in which the mortgage is made and until the debt is fully satisfied.

Massachusetts. H.B. 24. Commissioner of Corporations and Taxation. January 5. Referred to Committee on Taxation.

To amend the law relative to tax deeds (Ch. 60 Sec. 45 General Laws) to provide that although covenants running with the land are to be enforceable against subsequent grantees irrespective of intervening tax deeds such covenants cannot be enforced against a town during the period that it is owner or in possession of the premises so acquired.

Massachusetts. H.B. 293. Mr. Wenzler. To Banking Committee. January 5.

To establish a Board of appeals for the review of foreclosure of mortgages, in the Division of Banks in the State Department. A board of three members is to be appointed by the Governor with the advice of the council and shall have jurisdiction to hear the petitions brought by owners of property mortgages on which there have been foreclosures by any banking institution within the state and to set aside such foreclosure. The board shall make findings of fact and a decision in each case before them and report thereon in writing. The Superior Court shall have jurisdiction in equity to enforce compliance with any order of the board.

Massachusetts. H.B. 294. Mr. Wenzler. To Committee on Banking. January 5.

The rate of interest to be charged on any note or loan



by any banking institution or insurance company secured by a mortgage of real estate shall not exceed 5<sup>1</sup>/<sub>2</sub>% a year.

#### TAXES

Georgia. (Special Session) H.B. 264X. Mr. Candler. Introduced December 13.

To amend paragraph 2, section 1, of article 7, of the Constitution to abolish all state ad valorem taxes upon real estate except where necessary to provide for repelling invasion, suppressing insurrection, or defending the state in time of war; provided however, nothing in this act shall prevent ad valorem taxation on real estate by municipal governments and the several counties of the state, as authorized by law.

Georgia. (Special Session) H.B. 322X. Mr. Pound. Approved December 24. Governor's No. 74.

To authorize the governing bodies of counties employing agricultural agents to levy a tax for the purpose of paying such county agricultural agents, such tax not to exceed \$1.00 for each thousand dollars worth of taxable property.

Georgia. (Special Session) H.Res. 46X. Mr. Field. Introduced December 8.

To amend paragraph 2, section 2, of article 7, of the Constitution, to provide that beginning January 1, 1939, the General Assembly shall have power "to exempt from taxation all cut-over timber lands within the state provided such cut-over timber lands have been replanted under the direct supervision of the Forestry Department of the State, so long as said timber lands shall be used solely as timber lands, with the exception of taxation to pay interest on and retire bonded indebtedness".

Georgia. (Special Session) S.B. 2X. Mr. Spivey and Mr. Atkinson. Approved December 16. Governor's No. 36.

To exempt homesteads from taxation to the value of \$2,000, when occupied by the owner.

Georgia. (Special Session) S.B. 12X. Mr. Atkinson. Introduced December 26.

Any foreign corporation claiming to own lands in the state in quantity amounting to as much as 5,000 acres must be incorporated by the laws of the state or be domesticated thereunder.

Georgia. (Special Session) S.Res. 25X. Mr. Peebles. Introduced December 13.

To amend the Constitution (Par. 1, Sec. 1, Art. VII) "to empower the General Assembly to exercise the power of taxation for the support of County Government".





Georgia. (Special Session) S.Res. 22X. Mr. Pruett.

To amend Section II, of Article VII, of the Constitution, to limit the ad valorem tax levy by counties to 10 mills on each dollar of assessed valuation for county purposes, excluding the amount levied for the purpose of liquidating present outstanding debts.

Massachusetts. H.B. 311. Mr. Wenzler. To Committee on Taxation. January 5.

To amend the General Laws (Sec. V of Ch. 59) to exempt from taxation property used for dwelling purposes by the owner to the amount of \$3,000, if such owner is in needy circumstances.

Massachusetts. H.B. 312. Mr. Wenzler. To Committee on Taxation. January 5.

"No municipality or taxing authority shall, during the two succeeding years after the effective date of this act, cause to be levied, assessed or imposed, any additional taxes, as a result of any repairs, remodeling or additions to existing privately owned dwelling property, providing such repairs, remodeling or alterations do not exceed the cost of two thousand dollars, unless the fair cash value of such building shall exceed three thousand dollars."

Mississippi. S.B. 75. Mr. Bulloch. To Finance Committee. January 7.

To amend the laws of 1934 (Ch. 131 as amended by S.B. 20, Extra Session Laws 1935) so as to provide for the exemption of homesteads owned by residents of the State from all State and County ad valorem taxes except ad valorem taxes levied for the maintenance of common schools, agricultural high schools, general colleges, and for the payment of principle and interest of bonds.

Ohio. (Second Special Session). S. 376XX, Mr. Thomas; H.B. 728XX, Mr. Hesse; S.B. 382XX, Mr. Thomas; H.B. 754XX, Mr. D. E. Carlis; H.B. 749XX, Miss Lloyd; H.B. 733XX, Mr. D. E. Carlis; S.B. 420XX, Mr. Metcalf. All introduced November 29.

To authorize political subdivisions to submit to vote at an election, the question of additional tax levies for poor relief purposes in excess of the ten million dollar limitation.

Ohio. (Second Special Session) H.B. 790XX, S. 414XX, H.B. 796XX. Mr. Gardiner. Introduced December 16.

To create a commission for the purpose of making a study and survey of the delinquent tax situation in the state. The commission is directed after study and survey of the delinquent tax situation, to make specific recommendations of means and methods whereby such taxes and assessments may be speedily liquidated. The commission is to study the causes of the present



delinquency in such taxes, and of abuses of the assessment privileges of political subdivisions, and to prepare and recommend legislation designed to secure prompt liquidation of present delinquencies and prevent future accumulation of delinquent taxes. The commission shall report as soon as possible but not later than December 31, 1939. There is an appropriation of \$50,000 for the expenses of the commission.

H. A. Hockley

